

Attorney Docket # 4285-7

Serial No. **10/691.404**
Amdt. dated November 29, 2004
Reply to Office Action dated September 13, 2004

REMARKS/ARGUMENTS

The Office Action mailed September 13, 2004 has been reviewed and carefully considered. Before entry of the present application, Claims 1-5, 7-9, 12, 13, 15, 20, 22-29, 31, 34, and 36-38 were pending, with Claims 1, 26, and 27 being in independent form, and Claims 6, 10-11, 14, 16-19, 21, 30, 32, 33, and 35 having been withdrawn by the Examiner. In the present amendment, Claims 1, 5, 7, 9, 12, 15, 26, 27, 29, and 31 are being amended and Claims 3, 6, 13, 14, 16, 17, and 30 are being cancelled without prejudice. Claims 39-55 are being added. After entry of the present Amendment, it is believed that Claims 1, 2, 4, 5, 7-12, 15, 18-29, and 31-55 will be pending, with Claims 1, 26, and 27 being in independent form. Reconsideration and withdrawal of the rejections are requested on the basis of the foregoing amendments and the following remarks.

In the September 13, 2004 Office Action, the Examiner stated that Claim 14 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In response, Claim 1 has been amended to include the substantive limitations of Claims 13 and 14. Therefore, it is believed that amended independent Claim 1 is in condition for allowance. Furthermore, corresponding amendments have been made to independent Claims 26 and 27; thus, it is believed that amended independent Claims 26 and 27 are also in condition for allowance. Minor amendments have been made to dependent Claims 5, 7, 9, 12, 15, 29, and 31 to match the amended language in amended Claims 1 and 27. At least through their dependence on Claims 1 and 27, it is believed that Claims 2, 4, 5, 7-9, 12, 15, 20, 22-25, 28, 29, 31, 34, and 36-38 are also in condition for allowance.

The Examiner stated, in the April 27, 2004 Restriction Requirement, that "[u]pon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141" (April 27, 2004 Restriction Requirement, page 2). It is believed that independent Claims 1, 26, and 27, as amended herein, are in condition for allowance. Furthermore,

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amended independent Claims 1 and 27 are generic to previously withdrawn Claims 10, 11, 18, 19, 21, 32, 33, and 35. Therefore, applicant requests that the Examiner re-enter previously withdrawn Claims 10, 11, 18, 19, 21, 32, 33, and 35. At least through their dependence on Claims 1 and 27, it is believed that previously withdrawn Claims 10, 11, 18, 19, 21, 32, 33, and 35 are also in condition for allowance.

Newly added Claims 39, 40, 41, and 42 comprise the limitations of originally filed and previously withdrawn (and presently canceled) Claims 6, 16, 17, and 30, respectively (and thus cannot constitute new matter), where the limitations in the newly added claims have been appropriately re-written to correspond to the changes being made to independent Claims 1 and 27 from which they depend. At least because (i) these newly added claims are drawn to "additional species ... written in dependent form"; and (ii) these newly added claims depend from independent Claims 1 and 27, which are believed to be in condition for allowance, it is believed that newly added Claims 39-42 are also in condition for allowance.

Newly added dependent Claims 43, 44, 45, 46-48, 49, and 50-55 comprise the limitations of originally filed Claims 2, 4, 5, 9-11, 15, and 18-23, respectively (and thus cannot constitute new matter). At least because newly added Claims 43-55 depend from amended independent Claim 26, which is believed to be in condition for allowance, and for the same reasons that Claims 2, 4, 5, 9-11, 15, and 18-23 are both acceptable and in condition for allowance, newly added Claims 43-55 are in condition for allowance.

Because there are independent claims in condition for allowance which are generic to all of the newly added claims, it is believed there is no need to indicate which newly added claims are readable upon the elected species. However, if such an indication is needed, let it be supposed that newly added Claims 39, 40-41, 42, 43, 44, 45, 46-48, 49, and 50-55 correspond to, and are thereby readable upon the same species (or as generic) as originally filed Claims 6, 16-17, 30, 2, 4, 5, 9-11, 15, and 18-23, respectively.

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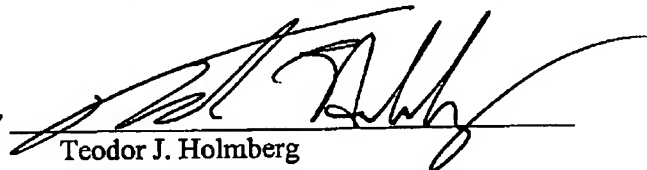
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At least on the basis of the foregoing amendments and remarks, allowance of all presently pending claims is respectfully requested.

Respectfully submitted,

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